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8 Summit Entertainment, LLC

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 BETWEEN THE LINES
PRODUCTIONS, LLC a California
limited liability company,

14 Plaintiff,

15 v.

16 LIONS GATE ENTERTAINMENT
17 CORP., a British Columbia corporation,
and SUMMIT ENTERTAINMENT, LLC,
18 a Delaware limited liability company,

19 Defendants.

23 AND RELATED COUNTERCLAIMS.

Case No. 2:14-cv-00104-R (PJWx)

**DEFENDANT AND
COUNTERCLAIMANT SUMMIT
ENTERTAINMENT, LLC'S NOTICE
OF MOTION AND MOTION *IN*
LIMINE NO. 12 TO PRECLUDE
PLAINTIFF AND COUNTER-
DEFENDANT BETWEEN THE LINES
PRODUCTIONS FROM
INTRODUCING EVIDENCE OR
ARGUMENT RELATED TO ITS
DISMISSED ANTITRUST CLAIM**

Hon. Judge Manuel L. Real

Hearing Date: November 25, 2014
Time: 9:00 a.m.
Ctrm: 8

Complaint filed: Dec. 16, 2013
Counterclaims filed: Jan. 27, 2014
Trial Date: Nov. 25, 2014

1 TO THE ABOVE-CAPTIONED COURT AND TO PLAINTIFF AND ITS ATTORNEYS
2 OF RECORD:

3 PLEASE TAKE NOTICE that on November 25, 2014 at 9:00 a.m., or at another
4 date and time as ordered by the Court, in the United States District Court, Central District
5 of California, located at 312 North Spring Street, Los Angeles, California 90012-4701,
6 Defendant and Counterclaimant Summit Entertainment, LLC (“Summit”) will and hereby
7 does move this Court for an order precluding Plaintiff and Counter-Defendant Between the
8 Lines Productions, LLC (“BTL”) from introducing evidence, testimony or argument
9 related to the antitrust claim it asserted against Summit and former defendant Lions Gate
10 Entertainment Corp. (“Lions Gate”)¹ in the previous action that BTL voluntarily
11 dismissed.

12 This motion is made on the grounds the evidence related to BTL’s voluntarily
13 dismissed antitrust claim is irrelevant to BTL’s claims and defenses in this action, and
14 admission of such evidence would only serve to confuse the issues, waste time, prejudice
15 Summit and lead the jury to reach a conclusion based on BTL’s irrelevant and unproven
16 contention that Summit has violated the Sherman Antitrust Act.

17 This motion is based on this notice of motion and motion, the memorandum of
18 points and authorities filed concurrently herewith, all pleadings, papers and other
19 documentary materials in the Court’s file for this action, those matters of which this Court
20 may or must take judicial notice, and such other matters as this Court may consider in
21 connection with the hearing on this matter.

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26 ¹ On October 20, 2014, the Court granted Lions Gate’s motion for summary
27 adjudication as to all claims against it. (Dkt. 95.) Lions Gate is no longer a party to this
28 action.

1 This motion is made following the conference of counsel pursuant to Local Rule 7-
2 3, which took place on October 21, 2014. (Bost Decl. ISO MIL No. 1 ¶ 6.)

3 Respectfully submitted,

4 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

5
6 Dated: October 28, 2014

By: /s/ Jill M. Pietrini

7 Jill M. Pietrini

8 Attorneys for Defendants and Counterclaimant

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1901 Avenue of the Stars, Suite 1600, Los Angeles, CA 90067-6055.

On October 28, 2014, I served true copies of the following document(s) described as **DEFENDANT AND COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S NOTICE OF MOTION AND MOTION *IN LIMINE* NO. 12 TO PRECLUDE PLAINTIFF AND COUNTER-DEFENDANT BETWEEN THE LINES PRODUCTIONS FROM INTRODUCING EVIDENCE OR ARGUMENT RELATED TO ITS DISMISSED ANTITRUST CLAIM** on the interested parties in this action as follows:

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BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 28, 2014, at Los Angeles, California.

/s/ Lynne Thompson
Lynne Thompson

SMRH:434544255.2